



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17963 of 2022

WEB COPY

1. Nijam @ Kumar
2. Rani

... Petitioners/Accused No.1&2

Vs

The State rep.by,
The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.
Cr.No.310/2022.

... Respondent/Complainant

For Petitioner : M/s.Balaji A, Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Cr.No.310/2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b) and 506(i) IPC r/w Sections 3 and 5 of the Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.310 of 2022, seek anticipatory bail.

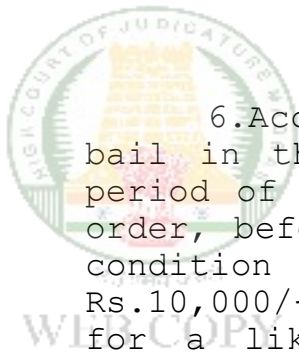
2.The case of the prosecution is that due to money transactions, there is a dispute between the parties, the petitioners abused the defacto complainant in filthy language and threatened the de-facto complainant and his family members with dire consequences. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) strongly opposed this petition stating that the investigation is almost completed.

5.Considering the facts and circumstances of the case and also considering the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners

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6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Pudukkottai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the first petitioner alone shall report before the respondent police on every Wednesday and Sunday at 10.30 a.m., for a period of six weeks and thereafter, as and when required for interrogation; and the second petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/10/2022

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/10/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI/KSA

TO

1. THE JUDICIAL MAGISTRATE NO.I, PUDUKKOTTAI.



2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3. THE INSPECTOR OF POLICE,
GANESH NAGAR POLICE STATION,
PUDUKKOTTAI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.BALAJI, Advocate (SR-11048[I] dated 07/10/2022)

ORDER

IN

CRL OP(MD) No.17963 of 2022

Date :07/10/2022

RK/SVR/SAR-1(11/10/2022) 3P/6C